

CRB COMPLAINT EVALUATION FORM

Case Number: 08-006

Complainant Name: Gregg Harden

CASE SUMMARY

Date of Incident: March 11, 2008
Date of Complaint filed with IA: Originally Via CRB Fax dated May 15, 2008
Date of Complaint filed with CRB: Re-filed Via CRB Fax dated October 8, 2008
May 12, 2007

Officers: Off. Frank Betz
Off. David Kouri

Allegation: Racial Profiling
Untruthfulness
Unlawful Search/Seizure
Excessive Force

This Complaint was originally filed with the CRB by Mr. Gregg Harden alleging that he was racially profiled by the subject officers. Further, Mr. Harden alleged that he did not consent to any type of stop, search or seizure of his person or personal affects. Mr. Harden continues his complaint by alleging that the subject police officers were untruthful in their representations in the police reports as to what actually transpired on March 11, 2008 with their interaction with Mr. Harden. Finally, Mr. Harden alleges that the subject police officers used excessive force when they unlawfully arrested him.

The arrest stemmed from an encounter between Mr. Harden and the subject police officers. Apparently Officer Kouri viewed Mr. Harden on routine patrol near the intersection of Seaside Drive and A1A. Upon viewing Mr. Harden, Officer Kouri initiated contact with Mr. Harden. According to the police report, Officer Kouri requested Mr. Harden to identify himself and when Mr. Harden refused, Officer Kouri signaled Officer Betz to supply back-up so the encounter could safely continue.

The subject police officers then engaged Mr. Harden in conversation and according to the police report, Officer Betz asked permission to "pat down" Mr. Harden. The police report and Mr. Harden's accounts of the encounter then differ. The police report suggests that Mr. Harden was verbally and physically resisting their commands and the use of force was necessary. Mr. Harden disagrees and states that he did not consent to any search and the officers were not justified in escalating the encounter into an arrest or even continued questioning, and when the officer's used force, it was excessive. Mr. Harden alleges further, that a "pill bottle" and its contents, was planted by Officer Betz on his person. Finally Mr. Harden alleges that the police report and its representations of the encounter, and ultimate arrest, are untruthful.

The Key West Police Professional Standards Office "Closed" the file on May 19, 2008, citing that the matter was a current court case. The CRB Executive Director re-asserted the complaint on October 8, 2008, noting that Mr. Harden's criminal case has ended and he is serving a prison term. 180 days have lapsed from the date of the original filing of the complaint when the Board Reviews this file on November 24, 2008. 45 days have lapsed from the date that the complaint was re-asserted by the CRB Director when the Board Reviews this file on November 24, 2008.

This file consists of the following written materials:

1. Original Complaint and the entire file's contents (with cover letter/fax cover to re-assert it);
2. KWPD Response to Complaint/Close Out Letter;
3. CRB Communication to the Complainant;
4. Complainant's Incarceration Information;
5. Notice Letters to Complainant, IA and KWPD Involved Officers.

The CRB must determine if this matter should be addressed at this stage in light of the enclosed documents; KWPD PSO/IA's original responsive letter to decline to proceed to investigate; and the original complaint being filed over 180 days ago. This case has aged over the 45 day time limit since the CRB Director reasserted the complaint. The CRB must determine if it wishes to commence its own independent investigation into this matter. The CRB should inquire from IA if it has an ongoing investigation or will IA continue to keep the file "closed" or has IA concluded its investigation into the "re-asserted" complaint. Assuming that IA has "reopened" the file, the CRB must inquire when the results of this IA investigation will be available or if it is still timely proceeding.

1



Citizen's Review Board
City of Key West Florida
Executive Director's Memo

TO: Det. Lt. David Smith, KWPD-OPS
FROM: Stephen Muffler, Esquire
DATE: 10/13/08
RE: Gregg M. Harden/CRB Complaint #08-006

Enclosed please find the complaint and supporting documentation and fax cover sheet memo I sent to your offices via fax last week. Per our discussion on Wednesday, your fax machine ran out of ink and due to the voluminous nature of this complaint, I have inter-office couriered this to you.



Key West Police Department

Respect Integrity Fairness

The Southernmost Police Department

Donald J. Lee, Jr.
Chief of Police

Non-Emergency
305-809-1111

Chief's Office
305-809-1042

Administration
305-809-1085

Special Services
305-809-1083

Records
305-809-1073

Property-Evidence
305-809-1061

Professional Standards
305-809-1035

Community Affairs
305-809-1011

Public Information
305-809-1058

Detectives
305-809-1015

Patrol Division
305-809-1013

19 May 2008

Amanda Willett, Executive Director – CRB

Amanda,

I am in receipt of the complaint filed by Greg Hardin to the CRB regarding the various allegations against members of the Key West Police Department.

After careful review, it is my determination that this case is currently a COURT ISSUE based on the encounter, lawfulness of the officer's actions and subsequent arrest.

If we conducted an investigation at this point, interviews with Mr. Hardin and the officers will be, "on the record" and become public. Any statements made by Mr. Hardin prior to his legal case going to trial could place him or his case in jeopardy based on statements he may make.

If at the conclusion of Mr. Hardin's case, issues arise or his concerns are not resolved and further investigation is warranted, The Executive Support Division will re-evaluate the complaint.

This case is considered CLOSED at this time and no further administrative action will occur. If you have any questions, please do not hesitate to contact me.

Sincerely,

Lt. David T. Smith

CRB

MAY 21 2008

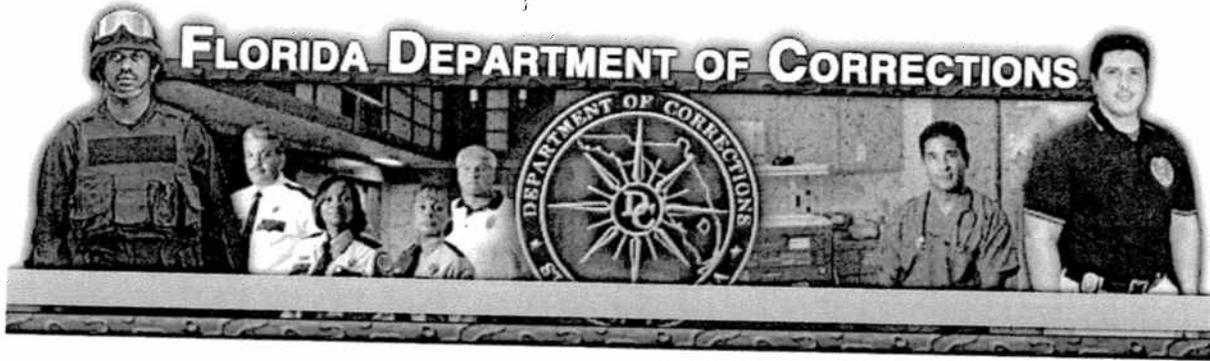
RECEIVED



1604 N. Roosevelt Blvd.



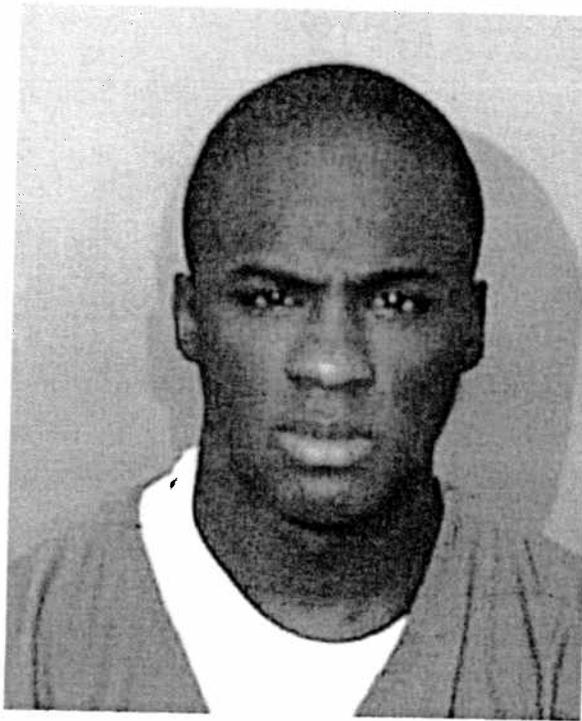
Key West, Florida 33040
www.keywestcity.com



Corrections Offender Network

Inmate Population Information Detail

(This information was current as of 9/28/2008)



DC Number: Q13060
Name: HARDEN, GREGG M
Race: BLACK
Sex: MALE
Hair Color: BLACK
Eye Color: BROWN
Height: 5'08"
Weight: 159 lbs.
Birth Date: 06/19/1986
Initial Receipt Date: 06/18/2008
Current Facility: MOORE HAVEN C.F.
Current Custody: MEDIUM
Current Release Date: 04/01/2009

(Release Date subject to change pending gain time award, gain time forfeiture, or review. A "TO BE SET" Release Date is to be established pending review.)

Aliases:	
GREGG HARDEN	GREGG HARDEN
GREGG M HARDEN	GREGG MARCELLES HARDEN
GREGG MARCELLUS HARDEN	GREG HARDING
LITTLE G	LITTLE GREG

Current Prison Sentence History:

Offense Date	Offense	Sentence Date	County	Case No.	Prison Sentence Length
02/13/2008	COCAINE - POSSESSION	05/27/2008	MONROE	0800162	1Y 1M 6D
03/11/2008	COCAINE - POSSESSION	05/27/2008	MONROE	0800245	1Y 1M 6D
03/11/2008	BATT.LEO/FIRFGT/EMS/ETC.	05/27/2008	MONROE	0800245	1Y 1M 6D

Note: The offense descriptions are truncated and do not necessarily reflect the crime of conviction. Please refer to the court documents or the Florida Statutes for further information or definition.

Incarceration History:

Date In-Custody	Date Out-of-Custody
09/03/2003	04/03/2005
01/26/2007	12/06/2007
06/18/2008	Currently Incarcerated

Prior Prison History: (Note: Data reflected covers periods of incarceration with the Florida Dept.of Corrections since January of 1983)

Offense Date	Offense	Sentence Date	County	Case No.	Prison Sentence Length
06/26/2002	GRAND THEFT MOTOR VEHICLE	08/22/2003	BAY	0202475	2Y 0M 0D
09/02/2005	COCAINE-SALE/MANUF/DELIV.	01/16/2007	MONROE	0500904	2Y 3M 0D
09/02/2005	COCAINE-SALE/MANUF/DELIV.	01/16/2007	MONROE	0500904	2Y 3M 0D
09/02/2005	COCAINE - POSSESSION	01/16/2007	MONROE	0500904	2Y 3M 0D
09/02/2005	WILLFUL FLEE/ELUDE LEO	01/16/2007	MONROE	0500904	2Y 3M 0D

[First](#)
[Previous](#)
[Next](#)
[Last](#)
[Return to List](#)

[New Search](#)

Record: 1 of 1

The Florida Department of Corrections updates this information regularly, to ensure that it is complete and accurate, however this information can change quickly. Therefore, the information on this site may not reflect the true current location, status, release date, or other information regarding an inmate.

This database contains public record information on felony offenders sentenced to the Department of Corrections. This information only includes offenders sentenced to state prison or state supervision. Information contained herein includes current and prior offenses. Offense types include related crimes such as attempts, conspiracies and solicitations to commit crimes. Information on offenders sentenced to county jail, county probation, or any other form of supervision is not contained. The information is derived from court records provided to the Department of Corrections and is made available as a public service to interested citizens. The Department of Corrections makes no guarantee as to the accuracy or completeness of the information contained

herein. Any person who believes information provided is not accurate may contact the Department of Corrections.

For questions and comments, you may contact the Department of Corrections, Bureau of Classification and Central Records, at (850) 488-9859 or go to [Frequently Asked Questions About Inmates](#) for more information. This information is made available to the public and law enforcement in the interest of public safety.

Search Criteria: Last Name: harden First Name: gregg Search Aliases: on Sex: ALL Race: ALL Offense Category: ALL Classification Status: ALL Current Custody: ALL Identifier Type: ALL County of Commitment: ALL Current Location: ALL Eye Color: ALL Hair Color: ALL

[Return to Corrections Offender Information Network](#)

[Privacy Policy](#) | [Accessibility](#)

Traffic/Criminal Case Detail Information

Defendant Name	Harden, Gregg Marcellus	Date of Birth	6/19/1986
Case Number	CFK08162	Uniform Case Number	442008CF000162000AKW
Defense Attorney	Defender, Public	Judge	Miller, Wayne

Scheduled Court Appearances

Date	Time	Location/Court Room	Description
3/4/2008	1/1/1900 8:45:00 AM		ARRAIGNMENT
4/29/2008	1/1/1900 1:30:00 PM		PRE TRIAL/CRIMINAL
5/27/2008	1/1/1900 1:30:00 PM		PRE TRIAL/CRIMINAL
6/9/2008	1/1/1900 8:30:00 AM		TRIAL/FELONY

Charges

Offense Date	Statute Code	Statute Description	Date	Disposition
2/13/2008	893.13 6a	COCAINE-POSSESS - POSSESS COCAINE	5/27/2008	Def Sent/Adj Guilty
2/13/2008	944.40	ESCAPE -	5/27/2008	Nolle Prossed
2/13/2008	893.13 6b	MARIJUANA-POSSESS - NOT MORE THAN 20 GRAMS	5/27/2008	Def Sent/Adj Guilty
2/13/2008	843.02	RESIST OFFICER - OBSTRUCT WO VIOLENCE	5/27/2008	Def Sent/Adj Guilty
2/13/2008	318.14(3)	REFUSE TO ACCEPT/SIGN CITATION	5/27/2008	Nolle Prossed

Docket Information

Date	Time	Description	Text
6/16/2008		JUDGMENT LIEN *	for fines, court costs, and other obligations (\$100.00 as fines, \$498.00 as costs, \$75.00 for cost of prosecution, \$50.00 for attorney fees and costs, and \$40.00 for public defender fee
6/9/2008		FINGER PRINTS	
6/9/2008		PLEA FORM	
6/9/2008		Judgement and Sentence	

6/9/2008	Uniform Commitment	
6/6/2008	Notice Of Revocation / Suspension Of Driving Privileges	
6/3/2008	SUBPEONA RET SERVED	Ofc. Brian Leahy
6/3/2008	SUBPEONA RET SERVED	Tamara Wood
6/3/2008	SUBPEONA RET SERVED	Ofc. Jenny Carson
6/3/2008	SUBPEONA RET SERVED	Ofc. Jason Millard Castillo
6/3/2008	SUBPEONA RET SERVED	Ofc. Thomas H Anglin
6/3/2008	SUBPEONA RET SERVED	Ofc. Sean T. Brandenburg
5/30/2008	COURT MINUTES *	plea/sentence
5/27/2008	CLOSED	
5/27/2008	JUDGMENT LIEN *	
5/22/2008	Notice of Taking Deposition	Ofc. Thomas H Anglin/Ofc. Sean T. Brandenburg/Ofc. Jenny Carson/Ofc. Jason Millard Castillo/Ofc. Brian Leahy/Tamara Wood
5/15/2008	SUB RET UNSERVED	Sabrina Harden
5/1/2008	Order Granting Pretrial Continuance	
5/1/2008	MOTION TO CONTINUE *	
5/1/2008	Notice of Taking Deposition	Sabrina Harden
4/29/2008	Pretrial Court Minutes	
4/8/2008	Amended Witness List	
4/8/2008	Supplemental Discovery Response	
3/11/2008	Pretrial Order	
3/10/2008	Supplemental Discovery Response	
3/6/2008	Discovery Exhibit	Demand for Reciprocal Discovery Demand for Notice of Alibi State's Witness List
3/5/2008	Warrant Information Form	
3/5/2008	INFORMATION	
3/5/2008	Memo To Consolidate From State Attorney	
3/5/2008	WRITTEN PLEA OF NOT GUILTY	and Demand for Jury Trial and Notice of Discovery
3/4/2008	Arraignment Court Minutes	
2/15/2008	Affidavit of Indigence Status Felony	
2/15/2008	NOTICE OF ARRAIGNMENT FILED	
2/15/2008	FIRST APPEARANCE FORM	
2/15/2008	ARREST FORM	

Traffic/Criminal Case Detail Information

Defendant Name	Harden, Gregg	Date of Birth	6/19/1986
Case Number	CFK08245	Uniform Case Number	442008CF000245000AKW
Defense Attorney	Defender, Public	Judge	Miller, Wayne

Scheduled Court Appearances

Date	Time	Location/Court Room	Description
4/1/2008	1/1/1900 8:45:00 AM		ARRAIGNMENT
4/8/2008	1/1/1900 8:45:00 AM		ARRAIGNMENT
5/27/2008	1/1/1900 1:30:00 PM		PRE TRIAL/CRIMINAL
6/9/2008	1/1/1900 8:30:00 AM		TRIAL/FELONY

Charges

Offense Date	Statute Code	Statute Description	Date	Disposition
3/11/2008	893.13 6a	COCAINE-POSSESS - POSSESS COCAINE	5/27/2008	Def Sent/Adj Guilty
3/11/2008	893.13 6a	COCAINE-POSSESS - POSSESS COCAINE	5/27/2008	Nolle Prossed
3/11/2008	784.07 2b	BATTERY - ON OFFICER FIREFIGHTER EMT ETC	5/27/2008	Def Sent/Adj Guilty
3/11/2008	784.07 2b	BATTERY - ON OFFICER FIREFIGHTER EMT ETC	5/27/2008	Nolle Prossed
3/11/2008	893.13 1a2	AMPHETAMINE-POSSESS - WIT SELL MFG DELIV SCHEDULE II OR III	5/27/2008	Nolle Prossed
3/11/2008	806.13(1)(a)	Criminal Mischief	5/27/2008	Nolle Prossed
3/11/2008	806.13(1)(a)	Criminal Mischief	5/27/2008	Nolle Prossed

Docket Information

Date	Time	Description	Text
6/23/2008		AMENDED *	Judgment and Sentence
6/9/2008		FINGER PRINTS	
6/9/2008		Sentencing Guidelines Score Sheet	
6/9/2008		PLEA FORM	

6/9/2008	Judgement and Sentence	
6/9/2008	Uniform Commitment	
6/3/2008	SUBPEONA RET SERVED	Ofc. F Betz
6/3/2008	SUBPEONA RET SERVED	Ofc. Jeffrey S. Williamson
6/3/2008	SUBPEONA RET SERVED	Thomas Stutz
6/3/2008	SUBPEONA RET SERVED	Ofc. D Kouri
6/2/2008	COURT MINUTES *	plea/sentence
5/27/2008	CLOSED	
5/22/2008	Notice of Taking Deposition	Ofc. f Betz/Ofc. D Kouri/Thomas Stutz/Ofc. Jeffrey S. Williamson
5/12/2008	Amended Witness List	
5/12/2008	Supplemental Discovery Response	
4/15/2008	Supplemental Discovery Response	
4/10/2008	Pretrial Order	
4/8/2008	Warrant Information Form	
4/8/2008	INFORMATION	
4/8/2008	Arraignment Court Minutes	
4/8/2008	WRITTEN PLEA OF NOT GUILTY	and Demand for Jury Trial and Notice of Discovery
4/8/2008	Discovery Exhibit	Demand for Reciprocal Discovery Demand for Notice of Alibi State's Witness Ilst
4/2/2008	NOTICE *	of Arraignment on 04/08/08 at 0845 am
4/1/2008	Arraignment Court Minutes	
3/12/2008	FIRST APPEARANCE FORM	
3/12/2008	ARREST FORM	
3/12/2008	Affidavit of Indigence Status Felony	
3/12/2008	NOTICE OF ARRAIGNMENT FILED	

Traffic/Criminal Case Detail Information

Defendant Name	Date of Birth
Harden, Gregg	6/19/1986
Case Number	Uniform Case Number
CFK08245	442008CF000245000AKW
Defense Attorney	Judge
Defender, Public	Miller, Wayne

Scheduled Court Appearances

Date	Time	Location/Court Room	Description
4/1/2008	1/1/1900 8:45:00 AM		ARRAIGNMENT
4/8/2008	1/1/1900 8:45:00 AM		ARRAIGNMENT
5/27/2008	1/1/1900 1:30:00 PM		PRE TRIAL/CRIMINAL
6/9/2008	1/1/1900 8:30:00 AM		TRIAL/FELONY

Charges

Offense Date	Statute Code	Statute Description	Date	Disposition
3/11/2008	893.13 6a	COCAINE-POSSESS - POSSESS COCAINE	5/27/2008	Def Sent/Adj Guilty
3/11/2008	893.13 6a	COCAINE-POSSESS - POSSESS COCAINE	5/27/2008	Nolle Prossed
3/11/2008	784.07 2b	BATTERY - ON OFFICER FIREFIGHTER EMT ETC	5/27/2008	Def Sent/Adj Guilty
3/11/2008	784.07 2b	BATTERY - ON OFFICER FIREFIGHTER EMT ETC	5/27/2008	Nolle Prossed
3/11/2008	893.13 1a2	AMPHETAMINE-POSSESS - WIT SELL MFG DELIV SCHEDULE II OR III	5/27/2008	Nolle Prossed
3/11/2008	806.13(1)(a)	Criminal Mischief	5/27/2008	Nolle Prossed
3/11/2008	806.13(1)(a)	Criminal Mischief	5/27/2008	Nolle Prossed

Docket Information

Date	Time	Description	Text
6/23/2008		AMENDED *	Judgment and Sentence
6/9/2008		FINGER PRINTS	
6/9/2008		Sentencing Guidelines Score Sheet	
6/9/2008		PLEA FORM	

6/9/2008	Judgement and Sentence	
6/9/2008	Uniform Commitment	
6/3/2008	SUBPEONA RET SERVED	Ofc. F Betz
6/3/2008	SUBPEONA RET SERVED	Ofc. Jeffrey S. Williamson
6/3/2008	SUBPEONA RET SERVED	Thomas Stutz
6/3/2008	SUBPEONA RET SERVED	Ofc. D Kouri
6/2/2008	COURT MINUTES *	plea/sentence
5/27/2008	CLOSED	
5/22/2008	Notice of Taking Deposition	Ofc. f Betz/Ofc. D Kouri/Thomas Stutz/Ofc. Jeffrey S. Williamson
5/12/2008	Amended Witness List	
5/12/2008	Supplemental Discovery Response	
4/15/2008	Supplemental Discovery Response	
4/10/2008	Pretrial Order	
4/8/2008	Warrant Information Form	
4/8/2008	INFORMATION	
4/8/2008	Arraignment Court Minutes	
4/8/2008	WRITTEN PLEA OF NOT GUILTY	and Demand for Jury Trial and Notice of Discovery
4/8/2008	Discovery Exhibit	Demand for Reciprocal Discovery Demand for Notice of Alibi State's Witness l1st
4/2/2008	NOTICE *	of Arraignment on 04/08/08 at 0845 am
4/1/2008	Arraignment Court Minutes	
3/12/2008	FIRST APPEARANCE FORM	
3/12/2008	ARREST FORM	
3/12/2008	Affidavit of Indigence Status Felony	
3/12/2008	NOTICE OF ARRAIGNMENT FILED	

Close Window

Citizen Review Board

To: Lt. David Smith
Inspector Janeth Del Cid

From: Amanda Willett, Executive Director

Cc: Chief Lee

Fax/Phone: 809-1064 or 1068

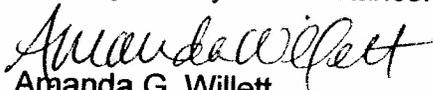
Date: May 15, 2008

Re: CRB Complaint # 08-006

Pages: 13 (including fax cover page)

Following for your review is a complaint filed with the CRB by Greg Harden with allegations of racial profiling, falsifying police reports, non-consensual searches and excessive use of force by Officers Frank Betz and David Kouri. The CRB respectfully requests that IA review the complaint and conduct an investigation or inquiry and report back to the CRB within the 45 days allotted.

Thank you for your assistance.



Amanda G. Willett
Executive Director
City of Key West
Citizen Review Board
416 Fleming Street, Ste. A
P.O. Box 1946
Key West, FL 33041
citizensrvw@bellsouth.net
(305) 293-9835
(305) 293-9827 Fax

Key West Police Department

Report 03/11/2008 07:02

Incident Report

Case # 01-08-001279

N A R R A T I V E	1	Topic Supplemental
	<p>On 03-11-2008, at around 0308 hours, Ofc. Betz and I (Ofc. Kouri) were on routine patrol, around the intersection of Seaside Drive and A1A, when I saw a black male, who was later identified as Greg Harden, standing at the intersection talking on his cell phone. I have seen Harden on previous times in the Bahama Village area and knew that he does not reside at the location I observed him at. I initiated a consensual encounter with Harden and asked him if he had any identification on him. Harden replied, "No man, I'm just sitting here waiting on a taxi". I asked Harden what his name was, and he said, "I don't need to tell you my name". At this time I waved for Ofc. Betz to come to my location to assist me.</p> <p>Ofc. Betz asked Harden if he had any weapons on his person and if he could do a pat down of his person. Harden said "Yea, go ahead but you aint goin in my pockets". As Ofc. Betz was patting down the exterior of Hardens clothing Ofc. Betz said "Do you have a prescription for what is in this pill bottle?". At this time Harden pushed Ofc. Betz and attempted to run. I grabbed Harden by his shirt, while giving him loud repetitive verbal commands to stop resisting. Harden clenched both of his fists and began swinging at Ofc. Betz and myself. Harden struck Ofc. Betz in his right eye with a closed fist. As I was attempting to gain physical control of Harden, while continuously giving him loud repetitive verbal commands to stop resisting, Harden continued swinging his closed fists at us, as well as attempting to elbow us. Harden struck me in the right side of my face with a closed fist and ripped his shirt, freeing himself from Ofc. Betz and I. I ran after Harden and tackled him by grabbing both of his legs. As I was holding onto Hardens legs Ofc. Betz was able to get a hold of the upper torso of Harden. Hardened continued to actively and aggressively resist, by still swinging his closed fists at Ofc. Betz and myself and now began kicking at Ofc. Betz and myself while yelling "Fuck you! You isn't takin me to jail!". I continued to yell loud repetitive verbal commands to stop resisting and to place his arms behind his back. I delivered controlled strikes to Harden's common peronial with my right knee attempting to gain compliance. Harden still continued to actively and aggressively resist by still attempting to strike Ofc. Betz and me in an attempt to get away. Ofc. Betz and I were able to gain physical control of Harden and placed him into handcuffs double locked.</p> <p>The pill bottle found in the Harden's right pocket contained powdered cocaine, rock cocaine, and other prescription pills. Harden was transported to LKMC to receive treatment for his injuries. Sgt. Williamson responded to the scene. Ofc. T. Stutz responded and took photographs mine, Ofc. Betz's, and Harden's injuries.</p> <p>I received injuries to and around my right eye. Both my arms had multiple abrasions and cuts. Both of my knees had several abrasions and cuts.</p>	
	End of Narrative: 1	

N A R R A T I V E	2	Topic Original
	<p>On March 11, 2008, at approximately 0308 hrs, Ofc Kouri and I (Ofc Betz) were on patrol on S Roosevelt Blvd, when we observed a black male, later identified as Gregg Harden, standing at the intersection of Seaside Dr and S Roosevelt, talking on his cell phone. Ofc Kouri stopped his marked patrol car and began speaking with Harden. I recognized Harden from the Bahama Village area and exited my marked patrol vehicle to assist. As I approached, Harden appeared nervous and fidgety. I asked Harden, who was known to have a violent past, if he had any weapons on him. I told Harden I was going to pat him down to check for weapons. Harden said, "Okay, but your not going into my pockets."</p>	

Reporting Officer Ofc Frank Betz (3020)	Department Patrol Division	Report Status: Approved	CRB
Officer Name		Date/Time MAY 12 2008	
Verifying Officer SGT JEFFERY SCOTT WILLIAMSON (1557)	Department KEY WEST POLICE DEPARTMENT	Date / Time 03/11/2008 07:40	RECEIVED

C
-
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C
C
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RESIDENT OF MONROE COUNTY YES X NO

RESIDENT OF FLORIDA YES X NO

CASE NO.: 08-1279

IN BOOK: _____

Defendant's Name: Harden Gregg

(Last)

(First)

(Middle)

Date of Birth: 19 June 1986

(Day, Month, Year)

On March 11, 2008, at approximately 0308 hrs, Ofc Kouri and I (Ofc Betz) were on patrol on S Roosevelt Blvd, when we observed a black male, later identified as Gregg Harden, standing at the intersection of Sea Side Dr and S Roosevelt, talking on his cell phone. Ofc Kouri stopped his marked patrol car and began speaking with Harden. I recognized Harden from the Bahama Village area and exited my marked patrol vehicle to assist. As I approached, Harden appeared nervous and fidgety. I asked Harden, who was known to have a violent past, if he had any weapons on him. I told Harden I was going to pat him down to check for weapons. Harden said, "Okay, but your not going into my pockets."

As I patted the exterior of Harden's left pant pocket, I felt a prescription pill bottle. I asked Harden, "Do you have a prescription for those pills?" Harden then pushed away from he and began running west on Seaside Dr. Ofc Kouri and I yelled loud verbal commands to Harden, ordering him to stop. Ofc Kouri attempted to grab Harden. Harden swung at Ofc Kouri with closed fists. Harden struck Ofc Kouri in the right eye. Ofc Kouri lost grip on Harden. As I attempted to grab Harden, he began swinging his arms with closed fists. As I grabbed Harden's shirt, he swung his closed fist, striking me in the right eye. I suffered a minor contusion to the right eye. I grabbed Harden by the shirt, but it ripped off in my hand. Harden then crossed over the center divide of Seaside. Ofc Kouri dove at Harden grabbing him by the ankle. I then grabbed Harden and tackled him to the ground. While on the ground, Harden continued resisting by kicking his legs and swinging his right arm.

I repeatedly gave loud verbal commands to Harden to, "Stop Resisting!" Harden continued to struggle. I attempted to give Harden three strikes to the bicep-shoulder area, but Harden's movement caused me to miss my target and strike Harden in the head. Ofc Kouri was able to handcuff Harden's right arm. I pulled Harden's left arm from under his body and placed it into the handcuff. Ofc Kouri sustained a contusion to the right eye and abrasions to both arms during the struggle. I sustained a contusion and abrasion to the right eye and an abrasion to the right elbow. Ofc Kouri and I both had damage to our uniform pants. Harden suffered a moderate abrasion and contusion to the left side of his face. Ofc Kouri and I lifted Harden and leaned him onto Ofc Kouri's patrol vehicle.

Sgt Williamson and Key West Rescue #3 was called to the scene. During a search incident to arrest, I discovered a prescription pill bottle in Harden's right pant pocket. Inside the bottle was: 1.0 grams power cocaine, 6.5 grams crack cocaine, and seven ecstasy pills. The narcotics field-tested positive.

Key West Rescue transported Harden to the hospital for treatment of his injuries. Ofc Kouri and I drove to the hospital for treatment of our injuries. Ofc Stutz responded to the hospital to photograph all injures. Harden was medically cleared and I transported him to the Monroe County Jail for processing. The narcotics were placed into evidence.

Sworn to and subscribed before me,
the undersigned authority, this

11th day of March, 2008

I swear the above statement is correct and true to the best of my knowledge and belief

Ofc. F. Betz

Signature of Officer or Complainant

Dept. KWPD

Off ID Number

300

FSG

MAY 12 2008

RECEIVED

SUNDAY, APRIL 26, 2008

HELLO, MY NAME IS GREGG MARCELLUS HARDEN. THIS VERY LETTER IS REFERENCE TO CONDUCT OF TWO OFFICERS OF THE KEY WEST POLICE DEPARTMENT, OFC. BETZ, FRANK, # 3020 AND OFC. KOURI, DAVID, #3022. THE ABOVE OFFICERS HAVE VIOLATED THE LAW AND MY RIGHTS BY MEANS OF RACIAL PROFILING, TARGETING BASED ON MY PAST RESIDENCE, FALSIFYING POLICE REPORTS, AND POLICE BRUTALITY. I AM CURRENTLY BEING FALSELY IMPRISONED IN THE MONROE COUNTY JAIL.

NOTE: THE FOLLOWING THAT IS HIGHLIGHTED IS ONE OF THE OFFICERS ACTUAL POLICE REPORT WORD FOR WORD AND NON-HIGHLIGHTED ARE MY OPINIONS, VIEWS, AND INSIGHT ABOUT THE SITUATION.

ON 03-11-2008, AT AROUND 0308 HOURS, OFC. BETZ AND I (OFC. KOURI) WERE ON ROUTINE PATROL, AROUND THE INTERSECTION OF SEASIDE DRIVE AND A1A, WHEN I SAW A BLACK MALE, WHO WAS LATER IDENTIFIED AS GREG HARDEN, STANDING AT THE INTERSECTION TALKING ON HIS CELL PHONE. NOTE TO THE READER: THE TWO OFFICERS WERE ON ROUTINE PATROL AROUND THE AIRPORT AREA WHICH IS CONSIDERED A MIDDLE CLASS AREA. OFC. KOURI STATES, "I SAW A BLACK MALE, WHO WAS LATER IDENTIFIED AS GREG HARDEN." THEREFORE, LATER IDENTIFIED CAN CONCLUDE THAT HE DID NOT KNOW WHO THE INDIVIDUAL WAS AT FIRST AND INITIATED THE STOP BASED ON SEEING A BLACK MALE STANDING AT INTERSECTION TALKING ON HIS CELL PHONE. THERE IS ABSOLUTE NOTHING SUSPICIOUS THAT IS CONNECTED WITH CRIMINAL ACTIVITY IN STANDING AT INTERSECTION, TALKING ON YOUR CELLPHONE AND WAITING FOR A RIDE. THE REPORT IS CONTINUED WITH, "I HAVE SEEN HARDEN ON PREVIOUS TIMES IN THE BAHAMA VILLAGE AREA AND KNEW THAT HE DOES NOT RESIDE AT THE LOCATION I OBSERVED HIM

AT. " THIS VERY STATEMENT BY THE OFFICER, I BELIEVE IS HIS PROBABLE CAUSE FOR INITIATING A STOP. THE FORMER PART OF THE STATEMENT, " I HAVE SEEN HARDEN ON PREVIOUS TIMES IN THE BAHAMA VILLAGE AREA, HAS NO RELEVANCE TO PROBABLE CAUSE AND THE LATTER PART OF THE STATEMENT, " AND KNEW THAT HE DOES NOT RESIDE AT THE LOCATION I OBSERVED HIM AT, " IS ALSO IRRELEVANT TO PROBABLE CAUSE. THE LATTER STATEMENT IS AN ASSUMPTION AND IS NOT ENOUGH TO JUSTIFY PROBABLE CAUSE TO A TEMPORARY DETENTION. THE LATTER STATEMENT IS AN ASSUMPTION BECAUSE THE SEEING OF AN INDIVIDUAL IN ONE AREA IS NOT ENOUGH TO CONCLUDE THAT THE INDIVIDUAL DOESN'T RESIDE IN ANOTHER AREA. A NON-RESIDENT TO AN AREA IS NOT ENOUGH TO JUSTIFY PROBABLE CAUSE TO A TEMPORARY DETENTION FOR THE PURPOSE OF ASCERTAINING THE IDENTITY OF THE PERSON TEMPORARILY DETAINED. AN LAW ENFORCEMENT OFFICER CAN ONLY JUSTIFY THE ABOVE WHENEVER HE ENCOUNTERS ANY PERSON UNDER CIRCUMSTANCES WHICH REASONABLY INDICATES THAT SUCH PERSON HAS COMMITTED, IS COMMITTING, OR IS ABOUT TO COMMIT A VIOLATION OF THE CRIMINAL LAW OF THIS STATE OR THE CRIMINAL ORDINANCES OF ANY MUNICIPALITY OR COUNTY. THE POLICE REPORT CONTINUES WITH, " I INITIATED A CONSENSUAL ENCOUNTER WITH HARDEN AND ASKED HIM IF HE HAD ANY IDENTIFICATION ON HIM. " HARDEN REPLIED, " NO MAN, I'M JUST SITTING HERE WAITING ON A TAXI. " I ASKED HARDEN WHAT HIS NAME WAS, AND HE SAID, " I DON'T NEED TO TELL YOU MY NAME. " NOTE TO THE READER: THERE IS THREE LEVELS OF ENCOUNTERS THAT LAW ENFORCEMENT MAY HAVE WITH CITIZENS. (1) AN ARREST SUPPORTED BY PROBABLE CAUSE THAT A CRIME HAS BEEN OR IS BEING COMMITTED.

(2) AN INVESTIGATORY STOP BASED ON REASONABLE SUSPICION.

(3) CONSENSUAL ENCOUNTER, DURING WHICH THE CITIZEN REMAINS FREE TO LEAVE AT WILL, WHERE A CITIZEN MAY EITHER VOLUNTARILY COMPLY WITH A POLICE OFFICER'S REQUESTS OR SIMPLY CHOOSE TO IGNORE IT. NOTE: THE OFFICER STATED, "I INITIATED A CONSENSUAL ENCOUNTER WITH HARDEN AND ASKED HIM IF HE HAD ANY IDENTIFICATION ON HIM." TO CONSIDER AN ENCOUNTER CONSENSUAL, IT MUST INVOLVE OR BE BASED ON MUTUAL CONSENT, THEREFORE, FOR THE ENCOUNTER TO BE CONSENSUAL, THE EXPERIENCE SHARED BY BOTH PARTIES MUST BE APPROVED, ACCEPTED BY WORD AND/OR ACTION. THE ENCOUNTER SHOULD NOT BE DEEMED CONSENSUAL AFTER THE OFFICER STATED, "I ASKED HARDEN WHAT HIS NAME WAS," AND I STATED, "I DONT NEED TO TELL YOU MY NAME." AT THIS POINT, IT IS CLEAR THAT, I, GREGG HARDEN WAS NOT BEING DETAINED AND SUBSEQUENTLY AFTER THE OFFICER'S REQUEST OF MY NAME, AS A NON-DETAINED CITIZEN, I CHOSE NOT TO VOLUNTARILY COMPLY WITH OFFICER'S REQUEST, BUT SIMPLY CHOSE TO IGNORE IT WHEN I STATED, "I DONT NEED TO TELL YOU MY NAME." THE QUESTION OF THE MATTER IS, WAS THE ENCOUNTER CONSENSUAL OR AN INVESTIGATORY STOP BASED ON REASONABLE SUSPICION? AFTER I STATED, "I DONT NEED TO TELL YOU MY NAME," THE REPORT CONTINUES WITH, "AT THIS TIME I WAVED FOR OFC. BETZ TO COME TO MY LOCATION TO ASSIST ME," NOTE TO THE READER THAT A CONSENSUAL ENCOUNTER IS ONE THAT INVOLVES MINIMAL POLICE CONTACT AND DURING AN ENCOUNTER, THE CITIZEN MAY EITHER COMPLY WITH THE OFFICER'S REQUEST OR IGNORE THEM AND LEAVE. IF THIS IS THE CASE, WHY WOULD OFC. KOURT

WAVE FOR OFC. BETZ TO COME TO HIS LOCATION TO ASSIST HIM. THE QUESTION IS, ASSIST HIM TO DO WHAT? BASED UPON OFC. KOURI'S DECLARATION THAT HE INITIATED A CONSENSUAL ENCOUNTER, IT SHOULD BE UNDERSTOOD THAT OUR ENCOUNTER WAS NOT UNDER CIRCUMSTANCES WHICH REASONABLY INDICATES THAT I HAD COMMITTED, WAS COMMITTING, OR ABOUT TO COMMIT A CRIME, SO THEREFORE, AFTER THE DENIAL OF HIS REQUEST, OFC. KOURI SHOULD NOT HAVE WAVED FOR OFC. BETZ TO COME TO HIS LOCATION TO ASSIST HIM. AT THIS POINT, I FELT DETAINED AS IF I WASN'T FREE TO GO. I WAS SIMPLY IN THE AREA VISITING A FRIEND OF MINE WHO RESIDES IN 407, EAST OF LAS SALINAS. AT THE END OF VISIT, I WAS ON THE PHONE WITH MY GIRLFRIEND FROM MIAMI AND I MADE A 3-WAY PHONE CALL TO THE TAXI CAB COMPANY WHOSE NUMBER IS 305-296-6666. NOTE TO THE READER: THE PHONE RECORDS OF THE PHONE I WAS USING AND HER, ZAKIA BROWNLEE, PHONE RECORDS WILL REFLECT THE TRUTHFULNESS OF MY TESTIMONY. ALSO, ZAKIA BROWNLEE, WILL WILLINGLY TESTIFY TO WHAT SHE HEARD DURING THE OFFICER'S AND I CONSENSUAL ENCOUNTER. NOTE TO THE READER: OFC. KOURI STATED IN HIS REPORT, 'OFC. BETZ AND I (OFC. KOURI) WERE ON ROUTINE PATROL, AROUND THE INTERSECTION OF SEASIDE DRIVE AND A1A, WHEN I SAW A BLACK MALE, WHO WAS LATER IDENTIFIED AS GREG HARDEN, STANDING AT THE INTERSECTION TALKING ON HIS CELL PHONE.' THE KEYWORDS IS, 'STANDING AT THE INTERSECTION TALKING ON HIS CELL PHONE.' ZAKIA BROWNLEE WAS THE PERSON WHO I WAS TALKING TO AND SHE WAS ON THE PHONE FOR SEVERAL MINUTES AFTER THE OFFICER'S AND I ENCOUNTER. AFTER OFC. KOURI STATED, "AT THIS TIME I WAVED FOR

OFC. BETZ TO COME TO MY LOCATION TO ASSIST ME," HE STATES, "OFC. BETZ ASKED HARDEN IF HE HAD ANY WEAPONS ON HIS PERSON AND IF HE COULD DO A PAT DOWN OF HIS PERSON. HARDEN SAID, "YEA, GO AHEAD BUT YOU AINT GOIN IN MY POCKETS." NOTE TO THE READER: THE STATEMENT, "YEA, GO AHEAD BUT YOU AINT GOIN IN MY POCKETS," IS A FABRICATION FOR THE REASON OF MAKING IT SEEM AS IF I CONSENTED TO A PAT DOWN. I DID NOT CONSENT TO A PAT DOWN AND THE PERSON WHO I WAS ON THE PHONE WITH AT THE TIME OF THE POLICE OFFICERS' AND I ENCOUNTER WILL TRUTHFULLY TESTIFY THAT I DIDN'T CONSENT. NOTE TO THE READER: WHEN OFC. BETZ APPROACHED ME, THE FIRST THING HE DID WAS GRAB MY LEFT WRIST AND STATED HE WAS GOING TO SEARCH AND I VERBALLY DECLINED AND I THEN SNATCHED MY WRIST AWAY. SIMULTANEOUSLY, OFC. BETZ, GRABBED MY T-SHIRT AND SLUNG ME TO THE GROUND, CAUSING MY SHIRT TO RIP. WHILE FACE DOWN ON THE GROUND OFC. BETZ PURPOSELY APPLIED EXCESSIVE FORCE TO RIGHT SIDE OF MY FACE WITH A MOTION OF SOME SORT THAT CAUSE A LARGE PORTION OF THE LEFT SIDE OF MY FACE TO BECOME SWOLLEN AND SCRAPED. AFTER PLACING ME UNDER ARREST, OFC. BETZ STATED THAT TODAY IS MY LUCKY DAY AND HELD UP A PILL BOTTLE. AT THIS POINT I WAS CONFUSED AND WHILE IN HANDCUFFS, HE PUT THE PILL BOTTLE IN ONE OF MY FRONT POCKETS. HE DID NOT REMOVE IT UNTIL AFTER OTHER OFFICERS ARRIVED TO THE SCENE TO MAKE IT SEEM AS IF HE RETRIEVED IT FROM MY PERSON. AFTER OFC. KOURI STATES, "HARDEN SAID, "YEA, GO HEAD BUT YOU AINT GOIN IN MY POCKETS," THE REPORT CONTINUES WITH, "AS OFC. BETZ WAS PATTING DOWN THE EXTERIOR OF HARDEN'S CLOTHING OFC. BETZ SAID, "DO YOU HAVE A PRESCRIPTION FOR WHAT IS IN THIS PILL BOTTLE?"" NOTE TO THE READER: THE STATEMENT ITSELF

IS A FABRICATION. OFC. BETZ WAS NEVER GIVEN THE CHANCE TO CONDUCT A PAT DOWN. FURTHERMORE, IF THE OFFICER'S FABRICATED STATEMENT OF, "AS OFC. BETZ WAS PATTING DOWN THE EXTERIOR OF HARDEN'S CLOTHING OFC. BETZ SAID" DO YOU HAVE A PRESCRIPTION FOR WHAT IS IN THIS PILL BOTTLE?" IS TO BE HELD TRUE, HOW CAN A PATTING OF THE EXTERIOR OF A PERSON'S CLOTHING GIVE THE PERSON WHOSE PATTING CERTAINTY THAT OBJECT IS A PRESCRIPTION PILL BOTTLE, AND THEN QUESTION THE PATTED PERSON BY ASKING, "DO YOU HAVE A PRESCRIPTION FOR WHAT IS IN THIS PILL BOTTLE?" MY QUESTION TO THIS FABRICATED STATEMENT IS, WHY IF THE STATEMENT IS TRUE, WITHIN THE POLICE REPORT, WHY IS THERE NOT A QUESTION OF WHAT IS THIS IN YOUR POCKET RATHER THAN AN UTTERED ASSUMPTION? THE ABOVE STATEMENT WAS FABRICATED ALONG WITH THE ENTIRE REPORT FOR THE PURPOSE HAVING ME FALSELY IMPRISONED FOR (1) POSSESSION OF COCAINE (2) POSSESSION OF ECSTASY (3) BATTERY ON A POLICE OFFICER (4) BATTERY ON A POLICE OFFICER. AN ADDITION TO MY FABRICATION CLAIM, OFC. BETZ IS THE OFFICER THAT ATTEMPTED TO CONDUCT A PAT DOWN OF MY PERSON AND WITHIN HIS REPORT IN ONE PORTION HE STATES, "AS I PATTED THE EXTERIOR OF HARDEN'S LEFT PANT POCKET, I FELT A PRESCRIPTION PILL BOTTLE." IN THE OTHER PORTION OF THE REPORT HE STATES, "DURING A SEARCH INCIDENT TO ARREST, I DISCOVERED A PRESCRIPTION PILL BOTTLE IN HARDEN'S RIGHT PANT POCKET." WITHIN THE FABRICATED FORMER PORTION IT STATES, LEFT PANT POCKET AND THE FABRICATED LATTER PORTION IT STATES, RIGHT PANT POCKET. THE QUESTION IS NOT WEATHER THE RESCRIPTION PILL BOTTLE WAS IN MY LEFT OR RIGHT PANT POCKET. HE QUESTION IS, BY THESE STATEMENTS BEING A CONTRADICTION,

CONSTITUTING THAT ONLY ONE COULD BE TRUE, ONE COULD BE FALSE OR BOTH COULD BE FALSE, HOW CAN A PERSON BE SURE THAT THERE IS NO OTHER FALSE STATEMENTS WITHIN THE REPORTS OF THESE TWO OFFICERS OF THE KEY WEST POLICE DEPARTMENT. AFTER OFC. KOURI STATES, "AS OFC. BETZ WAS PATTING DOWN THE EXTERIOR OF HARDEN'S CLOTHING, OFC. BETZ SAID "DO YOU HAVE A PRESCRIPTION FOR WHAT IS IN THIS PILL BOTTLE, THE REPORT CONTINUES WITH, "AT THIS TIME HARDEN PUSHED OFC. BETZ AND ATTEMPTED TO RUN." ALTHOUGH, I DID NOT CONSENT TO A SEARCH OR WAS SEARCHED, MY QUESTION IS WHY WOULD A PERSON CONSENT TO A SEARCH THEN PUSH THE OFFICER AND ATTEMPT TO RUN. ANOTHER ISSUE I WOULD LIKE ADDRESS IS THAT FLORIDA'S STOP AND FRISK STATUTE, PROVIDES THAT A PAT DOWN CAN BE CONDUCTED DURING A VALID DETENTION IF THE POLICE HAS PROBABLE CAUSE TO BELIEVE THAT THE DETAINED PERSON IS "ARMED WITH A DANGEROUS WEAPON." THE KEYWORDS TO THE ABOVE IS THAT A PAT DOWN CAN BE CONDUCTED DURING A VALID DETENTION. I WAS NEVER DETAINED AND OFC. KOURI CLEARLY STATED THIS WHEN HE STATED, "I INITIATED A CONSENSUAL ENCOUNTER WITH HARDEN..." THE MATTER OF IF I HAD MY IDENTIFICATION ON ME OR NOT SHOULD NOT HOLD WEIGHT FOR THE SIMPLE FACT THAT BOTH OFFICERS KNEW ME. OFFICER BETZ, THE OFFICER WHO TRIED TO PAT ME STATES, "I RECOGNIZED HARDEN FROM THE BAHAMA VILLAGE AREA AND EXITED MY MARKED PATROL VEHICLE TO ASSIST. HE FURTHER STATES, "I ASKED HARDEN, WHO WAS KNOWN TO HAVE A VIOLENT PAST, IF HE HAD ANY WEAPONS ON HIM." ALTHOUGH, I DO NOT HAVE A VIOLENT PAST, IT IS SAFE TO SAY THAT, HE KNOWS ME SO WELL THAT HE CONSIDERS ME TO HAVE A VIOLENT PAST.

OFC. KOURI, THE OFFICER WHO INITIATED THE CONSENSUAL ENCOUNTER STATES, "I HAVE SEEN HARDEN ON PREVIOUS TIMES IN THE BAHAMA VILLAGE AREA AND KNEW THAT HE DOES NOT RESIDE AT THE LOCATION I OBSERVED HIM AT." IT IS CLEAR THAT OFC. KOURI KNOWS ME SO WELL THAT HE KNOWS WHERE I LIVE. THEREFORE, THE CONSENSUAL ENCOUNTER SHOULD BE DEEMED AN ILLEGAL DETENTION WHEN OFC KOURI REQUESTED MY NAME AND I DENIED HIM BY STATING, "I DON'T NEED TO TELL YOU MY NAME." THIS STATEMENT IS THE BREAKING POINT OF OFC. KOURI'S AND I CONSENSUAL ENCOUNTER AND OFFICER KOURI'S WAVING FOR OFC. BETZ TO COME TO HIS LOCATION TO ASSIST HIM SHOULD PROPERLY BE DEEMED A SEIZURE. THE INQUIRY FOR DETERMINING WHEN AN ENCOUNTER WITH THE POLICE SHOULD PROPERLY BE DEEMED A SEIZURE IS CENTERED AROUND WHETHER A PERSON (REASONABLY WOULD FEEL FREE TO DISREGARD THE POLICE AND GO ABOUT HIS OR HER BUSINESS. SOME FACTORS TO CONSIDER THAT WOULD INDICATE A SEIZURE WOULD BE THE THREATENING OF SEVERAL OFFICERS, SOME PHYSICAL TOUCHING OF THE PERSON OF THE CITIZEN, OR THE USE OF LANGUAGE OR TONE OF VOICE INDICATING THAT COMPLIANCE WITH THE OFFICER'S REQUEST MUST BE COMPELLED. IN MY CASE, ALL OF THE ABOVE ARE APPLICABLE. BY LAW, I WAS ILLEGALLY DETAINED AGAINST MY WILL AND DUE TO THE ILLEGAL DETENTION, I HAVE BECOME A VICTIM OF POLICE BRUTALITY ALONG WITH BEING ALSELY IMPRISONED. ALTHOUGH, I WAS NOT IN POSSESSION OF ILLEGAL DRUGS, THE CHARGES ARE THE FRUIT OF AN ILLEGAL SEARCH AND SEIZURE AND THE TWO COUNTS OF BATTERY ON LAW ENFORCEMENT OFFICERS ARE THE FRUITS OF AN UNLAWFUL DETENTION, SO ALL CHARGES SHOULD BY LAW BE THROWN OUT. IN WRITING THIS LETTER, I HOPE TO FIND JUSTICE.

MONROE COUNTY DETENTION FACILITY
5301 COLLEGE ROAD, KEY WEST, FL 33040

INVOICE DUE TO JAILING
FOR MONEY ORDERS
STATE IN STATE OF FLORIDA

NO FRANCHISES ALLOWED

RECEIVED
MAY 12 2008
CITY-MANAGER



CITY OF KEY WEST
Citizen Review Board
PO Box 1946
Key West, FL 33041
(305) 293-9835

June 10, 2008

Gregg Harden, No. 2016000
MCSO01MNI014716
Monroe County Detention Center
5501 College Road
Key West, FL 33040

CRB Complaint File No.: 08-006

Dear Mr. Harden:

This letter is to confirm that you have received a copy of Key West Police Department Internal Affairs' report regarding your complaint and to inquire if you are satisfied with the results or not.

Please sign the bottom of this page indicating your intentions at this time and return a copy to the CRB office in the enclosed envelope as soon as possible.

Should you determine that you are not satisfied with the finding, your full cooperation will be necessary in order for the CRB to investigate your complaint thoroughly. Please make sure that this office has all of your current contact information as well as any witness contact information.

You are welcome to call or write us with any questions you may have.

Respectfully,

A handwritten signature in cursive script that reads "Amanda Willett".

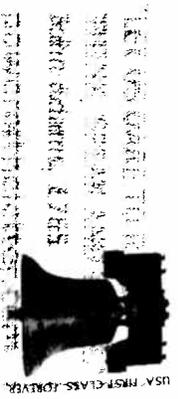
Amanda Willett
Executive Director

I am **not** satisfied with the results of the IA investigation and desire the CRB to continue to review my complaint. **If yes, please sign your name.** _____
Please explain: _____

I am satisfied with the results of the IA investigation and withdraw my complaint. If yes, please sign your name. _____

City of Key West
Citizen Review Board
416 Fleming Street, Suite A
Post Office Box 1946
Key West, FL 33040

MAILING LABEL
008 JUN 20 2008 090 0 1



RETURN TO SENDER

Gregg Harden, No. 2016000
MCSO01MN1014716
Monroe County Detention Center
5501 College R
Key West, FL 3

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

33041194646

|||||

BCI 33041194646 *2206-21053-10-42

NIXIE 330 DE 1 00 05/24/C

2



Key West Police Department

Respect Integrity Fairness

The Southernmost Police Department

Donald J. Lee, Jr.
Chief of Police

Non-Emergency
305-809-1111

Chief's Office
305-809-1042

Administration
305-809-1085

Special Services
305-809-1083

Records
305-809-1073

Property-Evidence
305-809-1061

Professional Standards
305-809-1035

Community Affairs
305-809-1011

Public Information
305-809-1058

Detectives
305-809-1015

Patrol Division
305-809-1013

19 May 2008

Amanda Willett, Executive Director – CRB

Amanda,

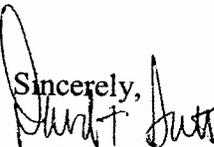
I am in receipt of the complaint filed by Greg Hardin to the CRB regarding the various allegations against members of the Key West Police Department.

After careful review, it is my determination that this case is currently a COURT ISSUE based on the encounter, lawfulness of the officer's actions and subsequent arrest.

If we conducted an investigation at this point, interviews with Mr. Hardin and the officers will be, "on the record" and become public. Any statements made by Mr. Hardin prior to his legal case going to trial could place him or his case in jeopardy based on statements he may make.

If at the conclusion of Mr. Hardin's case, issues arise or his concerns are not resolved and further investigation is warranted, The Executive Support Division will re-evaluate the complaint.

This case is considered CLOSED at this time and no further administrative action will occur. If you have any questions, please do not hesitate to contact me.

Sincerely,

Lt. David T. Smith

CRB
MAY 21 2008
RECEIVED



1604 N. Roosevelt Blvd.



Key West, Florida 33040
www.keywestcity.com

3



CITY OF KEY WEST
Citizen Review Board
PO Box 1946
Key West, FL 33041
(305) 293-9835

June 10, 2008

Gregg Harden, No. 2016000
MCSO01MNI014716
Monroe County Detention Center
5501 College Road
Key West, FL 33040

CRB Complaint File No.: 08-006

Dear Mr. Harden:

This letter is to confirm that you have received a copy of Key West Police Department Internal Affairs' report regarding your complaint and to inquire if you are satisfied with the results or not.

Please sign the bottom of this page indicating your intentions at this time and return a copy to the CRB office in the enclosed envelope as soon as possible.

Should you determine that you are not satisfied with the finding, your full cooperation will be necessary in order for the CRB to investigate your complaint thoroughly. Please make sure that this office has all of your current contact information as well as any witness contact information.

You are welcome to call or write us with any questions you may have.

Respectfully,

A handwritten signature in cursive script that reads "Amanda Willett".

Amanda Willett
Executive Director

I am not satisfied with the results of the IA investigation and desire the CRB to continue to review my complaint. **If yes, please sign your name.** _____
Please explain: _____

I am satisfied with the results of the IA investigation and withdraw my complaint. If yes, please sign your name. _____

City of Key West
Citizen Review Board
416 Fleming Street, Suite A
Post Office Box 1946
Key West, FL 33040

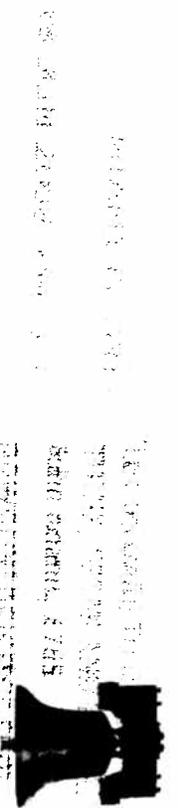
RETURN TO SENDER

Gregg Harden, No. 2016000
MCSSO01MNI014716
Monroe County Detention Center
5501 College R
Key West, FL 3

33041194646

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NIXIE 330 DE 1 00 05/24/0
RETURN TO SENDER
ATTEMPTED TO FORWARD
BC: 33041194646 *2206-21053-10-42



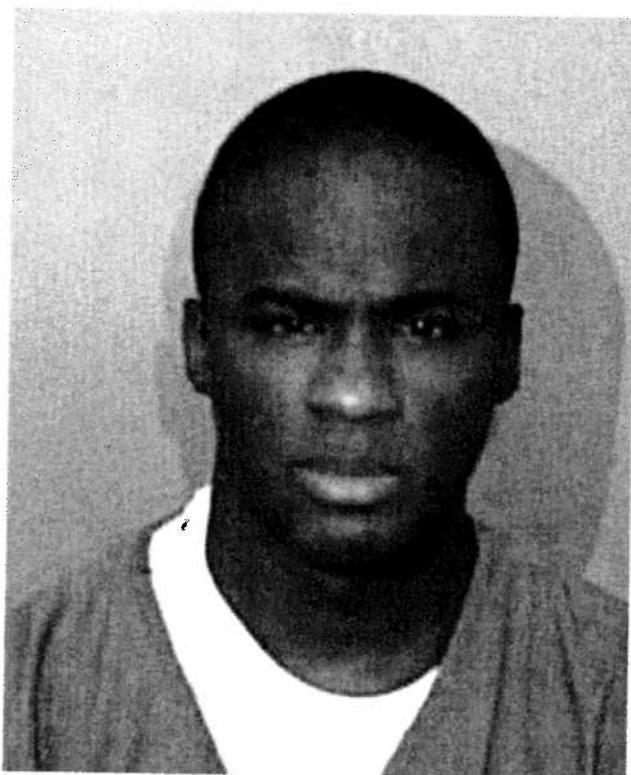
4



Corrections Offender Network

Inmate Population Information Detail

(This information was current as of 11/9/2008)



DC Number: Q13060
Name: HARDEN, GREGG M
Race: BLACK
Sex: MALE
Hair Color: BLACK
Eye Color: BROWN
Height: 5'08"
Weight: 159 lbs.
Birth Date: 06/19/1986
Initial Receipt Date: 06/18/2008
Current Facility: MOORE HAVEN C.F.
Current Custody: MEDIUM
Current Release Date: 03/28/2009

(Release Date subject to change pending gain time award, gain time forfeiture, or review. A "TO BE SET" Release Date is to be established pending review.)

Aliases:	
GREGG HARDEN	GREGG HARDEN
GREGG M HARDEN	GREGG MARCELLES HARDEN

GREGG MARCELLUS HARDEN	GREG HARDING
LITTLE G	LITTLE GREG

Current Prison Sentence History:					
Offense Date	Offense	Sentence Date	County	Case No.	Prison Sentence Length
02/13/2008	COCAINE - POSSESSION	05/27/2008	MONROE	0800162	1Y 1M 6D
03/11/2008	COCAINE - POSSESSION	05/27/2008	MONROE	0800245	1Y 1M 6D
03/11/2008	BATT.LEO/FIRFGT/EMS/ETC.	05/27/2008	MONROE	0800245	1Y 1M 6D

Note: The offense descriptions are truncated and do not necessarily reflect the crime of conviction. Please refer to the court documents or the Florida Statutes for further information or definition.

Incarceration History:	
Date In-Custody	Date Out-of-Custody
09/03/2003	04/03/2005
01/26/2007	12/06/2007
06/18/2008	Currently Incarcerated

Prior Prison History: (Note: Data reflected covers periods of incarceration with the Florida Dept.of Corrections since January of 1983)					
Offense Date	Offense	Sentence Date	County	Case No.	Prison Sentence Length
06/26/2002	GRAND THEFT MOTOR VEHICLE	08/22/2003	BAY	0202475	2Y 0M 0D
09/02/2005	COCAINE-SALE/MANUF/DELIV.	01/16/2007	MONROE	0500904	2Y 3M 0D
09/02/2005	COCAINE-SALE/MANUF/DELIV.	01/16/2007	MONROE	0500904	2Y 3M 0D
09/02/2005	COCAINE - POSSESSION	01/16/2007	MONROE	0500904	2Y 3M 0D
09/02/2005	WILLFUL FLEE/ELUDE LEO	01/16/2007	MONROE	0500904	2Y 3M 0D



CITY OF KEY WEST
Citizen Review Board
PO Box 1946
Key West, FL 33041
(305) 809-3887

November 13, 2008

Gregg M. Harden #Q13060
Moore Haven Correctional Facility
P. O. Box 718501
1900 East State Rd. 78 NW
Moore Haven, Florida 33471-8837

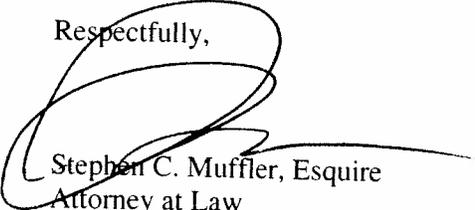
CRB Complaint File No.: 08-006

Dear Mr. Harden:

Please be advised that one or more Board members and/or the Executive Director of the Citizen Review Board has placed the above referenced matter on the Agenda for the November 24, 2008 meeting at Old City Hall starting at 6:00 p.m. Enclosed please find the proposed agenda for that meeting. It would be helpful if you and/or your representative could attend this meeting to help the Board reach a fair and just recommendation. We do realize that your current incarceration would prevent your physical appearance before this Board. Please advise this office of any further evidence that would support your claims of unprofessional conduct by the subject officer(s) mentioned in your complaint.

You are welcome to call or write us with any questions you may have.

Respectfully,


Stephen C. Muffler, Esquire
Attorney at Law
Executive Director
Encl.

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CITY OF KEY WEST
Citizen Review Board
PO Box 1946
Key West, FL 33041
(305) 809-3887

November 13, 2008

Gregg M. Harden #Q13060
Moore Haven Correctional Facility
P. O. Box 718501
1900 East State Rd. 78 NW
Moore Haven, Florida 33471-8837

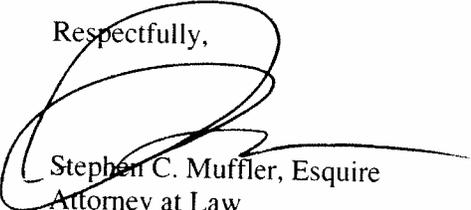
CRB Complaint File No.: 08-006

Dear Mr. Harden:

Please be advised that one or more Board members and/or the Executive Director of the Citizen Review Board has placed the above referenced matter on the Agenda for the November 24, 2008 meeting at Old City Hall starting at 6:00 p.m. Enclosed please find the proposed agenda for that meeting. It would be helpful if you and/or your representative could attend this meeting to help the Board reach a fair and just recommendation. We do realize that your current incarceration would prevent your physical appearance before this Board. Please advise this office of any further evidence that would support your claims of unprofessional conduct by the subject officer(s) mentioned in your complaint.

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Stephen C. Muffler, Esquire
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AGENDA

Citizen Review Board Meeting
Old City Hall, 510 Greene Street

Monday, November 24, 2008

6:00 p.m.

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES
5. TRACKING CHART REVIEW
6. CONTINUED OR NEW BUSINESS
 - a. Review File: Omar Brown—CRB# 07-001;
 - b. Review File: Greg Harding—CRB# 08-006;
 - c. Status/Update: Michael Rosenstein File—CRB #005
(limited investigation into audio/visual materials)
7. COUNSEL'S REPORT
8. CHAIRMAN'S REPORT
9. BOARD MEMBERS REPORT/GENERAL COMMENTS
10. EXECUTIVE DIRECTOR'S REPORT
 - a. Update-Status of Proposed Working Agreement between CRB & KWPD;
 - b. CRB Website Upgrades;
 - c. Director's PowerPoint Presentation Re: Complaint Process Chart
11. PSO/IA COMMENTS/FOLLOW-UP
 - a. Status of IA Internal Investigation "Kelly Thomas";
 - b. Status of IA's list of 2008 files;
 - c. Status of Public CRB Public Record's Request on Rosenstein Audio/Visual Items
12. PUBLIC INPUT
13. MEDIA AND PRESS QUESTIONS
14. ADJOURNMENT



Citizen Review Board
City of Key West Florida
Executive Director's Memo

TO: Lt. David Smith
FROM: Stephen Muffler, Esquire
DATE: 11/13/08
RE: CRB Agenda for 11/24/08

Attached please find the agenda for the above referenced CRB meeting. Also enclosed please find the respondent officers' notices. **Would you please forward these notices to the individual officers so that they are aware of this upcoming meeting?** It would be desirable for a representative from your office attend this meeting to help address the Board's specific questions on any files or procedures. Please note that all of the Board materials are now available for yourself or the respondent officer's to view on the CRB website.

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Citizen Review Board
City of Key West Florida
Executive Director's Memo

TO: Officer David Kouri
FROM: Stephen Muffler, Esquire
DATE: 11/13/08
RE: CRB Complaint #08-006/Harden

Attached please find a copy of the proposed Agenda for the CRB meeting to be held at 6:00 p.m. at the Old City Hall on November 24, 2008. One or more of the Board Members and/or the Executive Director as placed the above referenced file on the Agenda for discussion. You are a respondent in this file and are invited to attend this meeting to help clarify the matter to the Board members. You are under no obligation to attend nor speak to the Board, but your input on the matter would be carefully weighed and would assist the Board in reaching a fair and just recommendation. You may attend personally, via a union representative or through legal counsel.

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Citizen Review Board
City of Key West Florida
Executive Director's Memo

TO: Officer Frank Betz
FROM: Stephen Muffler, Esquire
DATE: 11/13/08
RE: CRB Complaint #08-006/Harden

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